

## **REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-19 and 22-24 were pending in the application, of which Claims 1 and 22 are independent. In the Office Action dated October 5, 2007, Claims 1-10 were rejected under 35 U.S.C. § 102(a) and Claims 11-19 and 22-24 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-10, 12, 14-19 remain in this application. Claims 20-21 were previously cancelled and Claims 11 and 13 have been cancelled without prejudice or disclaimer by this amendment. Applicants hereby address the Examiner's rejections in turn.

### **I. Interview Summary**

Applicants thank Examiner Queler for the courtesy of a telephone interview on December 10, 2007, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. §§ 102 and 103. During the interview, Applicants asserted that the cited reference did not anticipate or render obvious the claims as amended. The Examiner agreed that the amendments appeared to overcome the cited reference and expressed concern that dependent Claim 3 included improper alternative language. Applicants have amended Claim 3 to address this concern. No agreement was reached regarding patentability.

### **II. Information Disclosure Statement**

In the Office Action dated October 5, 2007, the Examiner stated that the information disclosure statement filed on August 23, 2006 failed to comply with 37 CFR 1.98(a)(1) and 37 CFR 1.98(a)(2). The Examiner further stated that there was no

attached PTO-1449 statement and that the IDS of May 4, 2006, has also not been considered. Applicants respectfully submit that the Information Disclosure Statements dated May 4, 2006, and August 23, 2006, did not require a 1449 form because they included statements regarding non-public use.

### III. Rejection of the Claims Under 35 U.S.C. § 102(a)

In the Office Action, the Examiner rejected Claims 1-10 under 35 U.S.C. § 102(a) as being anticipated by "Unicode Standard Annex #9, The Bidirectional Algorithm" by Mark Davis ("*Davis*"). Claim 1 has been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "scanning the text selection to determine whether a first portion of the text selection is entered according to a first spoken language wherein scanning the text selection to determine whether the first portion of the text selection is entered according to the first spoken language comprises determining whether each character of the text comprises a character from the first spoken language" and "determining whether a text display alignment has been established for the text selection." Support for this amendment can be found at least in the specification on page 3, line 23 through page 4, line 2 and page 11, lines 1-15.

In contrast, *Davis* at least does not disclose the aforementioned recitation. For example, *Davis* merely discloses directional formatting codes for signaling embedded text. (See *Davis*, § 2, para. 1-2.) *Davis*' formatting codes are limited to a current paragraph and their effects are terminated by a paragraph separator. (See *Davis*, § 2, para. 1-2.) In *Davis*, an explicit code signals that text is to be treated as embedded, for

example, an English quotation in the middle of an Arabic sentence could be marked as being embedded left-to-right text. (See *Davis*, § 2.1, para. 1.) *Davis* further discloses using implicit directional marks that do not display or have any other semantic effects. (See *Davis*, § 2.4, para. 1.) Furthermore, the Examiner states that *Davis* does not teach alignment. (See Office Action, page 5, line 6.) In *Davis*, text is not scanned to determine whether a character is associated with a spoken language, nor is alignment determined. Rather, *Davis* discloses non-displayed directional codes for formatting text.

*Davis* does not anticipate the claimed invention because *Davis* at least does not disclose, "scanning the text selection to determine whether a first portion of the text selection is entered according to a first spoken language wherein scanning the text selection to determine whether the first portion of the text selection is entered according to the first spoken language comprises determining whether each character of the text comprises a character from the first spoken language" and "determining whether a text display alignment has been established for the text selection," as recited by amended Claim 1. Accordingly, independent Claim 1 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 1.

Dependent Claims 2-10 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-10.

#### IV. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 11-19 and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over *Davis* in view of Official Notice. Claim 22 has been amended and Applicants respectfully submit that this amendment overcomes this rejection and adds no new matter.

Amended Claim 22 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "scanning the text selection to determine whether a first portion of the text selection is entered according to a first spoken language wherein scanning the text selection to determine whether the first portion of the text selection is entered according to the first spoken language comprises determining whether each character of the text comprises a character from the first spoken language" and "determining whether a text display alignment has been established for the text selection." Support for this amendment can be found at least in the specification on page 3, line 23 through page 4, line 2 and page 11, lines 1-15.

In contrast, *Davis* at least does not disclose the aforementioned recitation. For example, *Davis* merely discloses directional formatting codes for signaling embedded text. (See *Davis*, § 2, para. 1-2.) *Davis*' formatting codes are limited to a current paragraph and their effects are terminated by a paragraph separator. (See *Davis*, § 2, para. 1-2.) In *Davis*, an explicit code signals that text is to be treated as embedded, for example, an English quotation in the middle of an Arabic sentence could be marked as being embedded left-to-right text. (See *Davis*, § 2.1, para. 1.) *Davis* further discloses using implicit directional marks that do not display or have any other semantic effects. (See *Davis*, § 2.4, para. 1.) Furthermore, the Examiner states that *Davis* does not teach

alignment. (See Office Action, page 5, line 6.) In *Davis*, text is not scanned to determine whether a character is associated with a spoken language, nor is alignment determined. Rather, *Davis* discloses non-displayed directional codes for formatting text.

|

*Davis* does not anticipate the claimed invention because *Davis* at least does not disclose, "scanning the text selection to determine whether a first portion of the text selection is entered according to a first spoken language wherein scanning the text selection to determine whether the first portion of the text selection is entered according to the first spoken language comprises determining whether each character of the text comprises a character from the first spoken language" and "determining whether a text display alignment has been established for the text selection," as recited by amended Claim 22. Accordingly, independent Claim 22 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 22.

Furthermore, in the Office Action, the Examiner stated that *Davis* does not explicitly teach alignment. (See Office Action, page 5, lines 6.) Instead, the Examiner merely takes "official notice" of this element. As a result, Applicants respectfully suggest that the Examiner has failed to make a *prima facie* case of obviousness. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.) There is nothing in the prior art cited by the Examiner that discloses "determining whether a text display alignment has been established for the text selection", as recited by Claim 22. Accordingly, independent Claim 22 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claim 22.

If the Examiner continues to rely on this unsupported contention, Applicants respectfully request the Examiner to provide support. See, In re Zurko, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001) (holding that the USPTO must point to some

concrete evidence in the record to support core factual findings in a determination of patentability); Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principal evidence on which to base rejection); 37 C.F.R. § 1.104 (providing that when a rejection in an application is based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, *and the facts must be supported*, when called for by the applicant, by an affidavit from the Examiner); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position.).

Dependent Claims 12, 14-19, and 22-24 are also allowable at least for the reasons described above regarding independent Claim 22, and by virtue of their dependency upon independent Claim 22. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 12, 14-19, and 22-24.

#### V. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the

preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
404.954.5066

Date: January 7, 2008

/D. Kent Stier/  
D. Kent Stier  
Reg. No. 50,640

DKS:bjr

